

AMY SPEARS-THOMAS

SHEET 1 PAGE 1

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IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
CHARLOTTESVILLE DIVISION

3

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5

CARLOS HUMBERTO CAB SIQUIC et al.,  
on behalf of themselves and others  
similarly situated,

6

7

Plaintiffs,

8

v.

9

STAR FORESTRY, LLC et al.,

10

Defendants.

\*\*\*\*\*

11

12

13

DEPOSITION

14

OF

15

AMY SPEARS-THOMAS

16

17

18

Date: August 19, 2014

19

Time: 8:55 o'clock a.m.

20

Place: Bemidji, Minnesota

21

22

REPORTER: Lorna D. Jacobson, Notary Public  
Registered Professional Reporter  
P. O. Box 177

23

Bemidji, Minnesota 56619

24

JACOBSON REPORTING & VIDEO SERVICES \* 800-974-4282

25

## AMY SPEARS-THOMAS

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1  
2 APPEARANCES  
3  
4  
5 MS. ERIN TRODDEN of Legal Aid Justice Center,  
6 Attorneys at Law, 1000 Preston Avenue,  
7 Charlottesville, Virginia 22903; appearing for  
8 and on behalf of PLAINTIFFS.

9  
10 and  
11  
12 MR. AUSTIN K. HAMPTON of Covington & Burling,  
13 LLP, Attorneys at Law, 1201 Pennsylvania Avenue,  
14 NW, Washington, DC 20004-2401; appearing for and on  
15 behalf of PLAINTIFFS.

16  
17  
18  
19  
20  
21  
22  
23  
24  
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1  
2 AMY SPEARS-THOMAS  
3 Of lawful age, being by me first duly examined,  
4 cautioned and solemnly sworn to testify the truth,  
5 the whole truth and nothing but the truth, deposes  
6 and says:

7  
8 MS. TRODDEN: Good morning.  
9 We've met, but my name is Erin Trodden. I'm an  
10 attorney for the plaintiffs in this case. With me  
11 is my co-counsel, Austin Hampton.

12 Before we get started, I want to  
13 clarify that you're not represented by an attorney  
14 in this case.

15 Correct?  
16 THE WITNESS: That's correct.  
17 MS. TRODDEN: And neither is  
18 Star Forestry?

19 THE WITNESS: That's correct.

20 EXAMINATION

21  
22  
23 BY MS. TRODDEN:  
24 Q. Have you ever been deposed before?  
25 A. Yes.

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1  
2 I N D E X  
3  
4 WITNESS: Page Line  
5  
6 AMY SPEARS-THOMAS  
7  
8 EXAMINATION BY MS. TRODDEN: 4 21  
9  
10  
11 Deposition Exhibit 1 7 11  
12 Marked for Identification  
13 Deposition Exhibit 2 26 4  
14 Marked for Identification  
15 Deposition Exhibit 3 27 12  
16 Marked for Identification  
17 Deposition Exhibit 4 53 7  
18 Marked for Identification  
19 Deposition Exhibit 5 70 2  
20 Marked for Identification  
21 REPORTER'S CERTIFICATE 94  
22  
23  
24  
25

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1 Q. When was that, approximately?  
2 A. Years ago.  
3 Q. Okay.  
4 A. And it was in another case from you all.  
5 Q. Was that the Express Forestry case?  
6 A. Yes.  
7 Q. Have you ever testified at a trial?  
8 A. I don't think so.  
9 Q. Okay. Have you ever been deposed in any  
10 other cases, apart from the Express case?  
11 A. No.

12 MS. TRODDEN: So, just to go  
13 over a couple of ground rules. You're probably  
14 familiar with all of this from before.

15 You notice the court reporter is  
16 taking down everything we say. And she will  
17 report my questions and your answers, so it's  
18 important that you answer verbally and not nod your  
19 head "Yes" or shake your head "No."

20 Similarly, it's natural in  
21 conversation to anticipate what I'm going to ask  
22 and maybe jump ahead of me and answer the  
23 question. It is important that you actually wait  
24 for the end of the question to answer.

25 If you don't understand my

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1 question, please let me know and I'll try to ask it  
2 in a clearer way. And if you don't ask me to  
3 reformulate them, I'm going to assume that you  
4 understood what I asked and then that's the  
5 question that you're answering.

6 If you don't know the answer to  
7 the questions, tell me.

8 If you need to take a break at  
9 any time, let me know. That's fine.

10 Q. (BY MS. TRODDEN) Are you taking any  
11 medication now that would impair your memory?

12 A. No.

13 Q. Are you -- do you have any mental or  
14 psychiatric conditions that would impair your  
15 memory?

16 A. No.

17 Q. Are you taking any medication that would  
18 impair your ability to testify truthfully today?

19 A. No.

20 Q. Do you have any mental or psychiatric  
21 conditions that would impair that ability?

22 A. No.

23 Q. Okay. So, what we're doing this morning,  
24 first, is the corporate deposition of  
25 Star Forestry. Obviously, a corporation can't

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1 what I'm going to ask you about today.

2 Are you able to answer  
3 questions about the topics listed here?

4 A. I don't know what the questions are yet.

5 Q. Broadly, are you familiar with the topics  
6 that are listed here?

7 A. Yes.

8 Q. If we get to a question where you don't  
9 know the answer, we can go into it at that point.

10 Okay. So, first of all, when  
11 did you start working for Star Forestry?

12 A. Star Forestry was formed three or four  
13 years ago. I'm not exactly sure of the date I  
14 formed it.

15 Q. And you have worked for it since that  
16 time?

17 A. I no longer do.

18 Q. Okay. When did you stop working for it?

19 A. We went -- Star Forestry went out of  
20 business this past spring.

21 Q. Was there a particular date this past  
22 spring?

23 A. No. It was just a matter of tying up  
24 loose ends.

25 Q. Okay. In the time that you were working

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7

1 speak for itself. People have to speak for it.  
2 So, when someone wants to depose a corporation,  
3 the corporation sends representatives.

4 From your presence here today, I  
5 assume and that you're the representative designee  
6 of Star Forestry. Is that correct?

7 A. Yes.

8 MS. TRODDEN: I have an  
9 exhibit.

10 (Deposition Exhibit 1 Marked for  
11 Identification by the reporter.)

12 Q. (BY MS. TRODDEN) I'm showing you what's  
13 been marked as Exhibit 1. And this is the  
14 Subpoena and Deposition Notice and Schedule of  
15 Subjects of Inquiry that were served on you on  
16 July 14th.

17 So, if you will take a look on  
18 the third page, it starts with Schedule of  
19 Subjects of Inquiry.

20 Have you looked -- did you look  
21 at this when you received it?

22 A. Yes.

23 Q. Okay. And so, these topics, broadly, are

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9

1 for Star Forestry, did you always work in the  
2 same capacity? Or did your job change?

3 A. I was owner. So, I remained owner.

4 Q. Okay. Did you do the same work as owner  
5 during that whole time that Star Forestry was in  
6 business?

7 A. Yes.

8 Q. Okay. Where did you work before that?

9 A. Independent Labor Services.

10 Q. How long did you work for them, roughly?

11 A. I was a sublet of them.

12 Q. When did your work with Independent Labor  
13 Services begin?

14 A. 2002.

15 Q. And did you -- did Independent stop? Or  
16 did you stop working for them when Star came into  
17 being?

18 A. Yes.

19 Q. Okay. And you previously worked for  
20 Express Forestry, too. Right?

21 A. Yes.

22 Q. Did you work for any other forestry  
23 companies?

24 A. Yes.

25 Q. Who else?

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1 You were trying to tease out  
 2 whether or not it was wrong, and I can understand  
 3 and appreciate that. But from my perspective,  
 4 things were pretty simple and straight forward.  
 5 They weren't complicated. And there were ways my  
 6 personal life got complicated and kind of took it  
 7 all out of me.  
 8 That's pretty much where I stand  
 9 on all of it.  
 10 Q. If you will bear with me while we go  
 11 through the list of things that at one point  
 12 existed.  
 13 So, as far as you know, through  
 14 returns of the payroll data that could still be  
 15 accessed if you had the password and login?  
 16 A. Theoretically, I guess.  
 17 Q. And you just don't have the password and  
 18 login?  
 19 A. No.  
 20 Q. The H-2B visa applications that you did,  
 21 where did those go?  
 22 A. All of the applications were sent to the  
 23 relevant agencies.  
 24 Q. Did you keep copies?  
 25 A. Sometimes, yes.

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1 Q. Where were the copies kept?  
 2 A. Usually, I had a folder.  
 3 Q. That would be a folder for each season?  
 4 A. Yeah.  
 5 Q. What did you do with the folders at the  
 6 end of each season?  
 7 A. Lost them.  
 8 I'm not a very good  
 9 recordkeeper. I try. I don't try to do anything  
 10 bad with it, but I'm pretty lousy.  
 11 Q. And do you know -- the folder for the  
 12 most recent season, was that also lost?  
 13 A. Yes.  
 14 Q. The bids that were submitted on projects,  
 15 would these have been something that Devin had?  
 16 A. They wouldn't be something that I had.  
 17 Q. Do you know where Devin kept them?  
 18 A. I don't know anything about how he  
 19 functions.  
 20 Q. Okay. Did you ever see them?  
 21 A. I never paid attention to them, if I did.  
 22 Q. Okay. The invoices of clients, would  
 23 this also be something that Devin maintained?  
 24 A. I didn't do those.  
 25 Q. Do you know where he would have kept

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1 them?  
 2 A. No.  
 3 Q. Okay. You mentioned that you had a bank  
 4 account from which you withdrew sums to pay  
 5 payroll and also to reimburse workers for their  
 6 travel expenses. Right?  
 7 A. Yes.  
 8 Q. The bank records from that bank account,  
 9 do you have those?  
 10 A. No.  
 11 Q. Could you get them?  
 12 A. I don't think so.  
 13 Q. Why not?  
 14 A. How would I do that?  
 15 Q. Well, it's out there as your account.  
 16 A. But everything has been closed down, and I  
 17 don't have any affiliation with any of it.  
 18 Q. Did you give a notice to the bank that  
 19 Star was closed?  
 20 A. I believe Devin did, yeah.  
 21 Q. Have you ever attempted to get that  
 22 information from the bank?  
 23 A. No.  
 24 Q. Do you have your previous records from  
 25 when you would have gotten monthly statements?

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1 A. I don't have any records.  
 2 Q. Information, money paid by clients that  
 3 had been billed by Star, would that have been  
 4 something that Devin has?  
 5 A. I didn't deal with clients or invoices or  
 6 bids or contracts.  
 7 Q. Okay. Itineraries, did you deal with  
 8 those, at all?  
 9 A. Only the ones that were submitted to the  
 10 Department of Labor.  
 11 Q. Did you -- the pieces of paper on which  
 12 those itineraries are written that you had  
 13 consulted with Devin, do those still exist?  
 14 A. They were sent to the Department of  
 15 Labor.  
 16 Q. Did you keep a copy?  
 17 A. No.  
 18 Q. The binders that had been in the  
 19 vehicles, do you know where those are now?  
 20 A. They would have been the ones with the  
 21 posters?  
 22 Q. Yes. And the disclosure information.  
 23 A. No. I wouldn't have thought about  
 24 keeping those. It's just a poster.  
 25 Q. But the binders contained other

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1 information, didn't it?

2 A. Just the disclosures.

3 Q. Did you remove them from the vehicles?

4 A. When I get the vehicles back, the foreman

5 usually, at the end of the year, gets rid of

6 stuff. Had to clean it up a little. Didn't want

7 it to look like a pig sty.

8 Q. Every year you create a new binder?

9 A. Yes. Usually, after they're kicked

10 around on the floor for a season, it was pretty

11 much done for.

12 Q. Tax information, W-4s, copies of W-2s sent

13 to workers, do you have records of that?

14 A. No.

15 Q. Where did those records go?

16 A. I've lost everything.

17 Q. How did you lose it?

18 A. Well, I've moved several times. After

19 last year's situation last August, I moved off

20 the property, off of my home and back to

21 Minneapolis. I was here for the summer. And

22 during that time, a lot of things were removed,

23 thrown away, inadvertently. Our place is kind of

24 a mess, and it was an attempt to clean it up

25 because the sheriff showed up, and it was

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1 embarrassing.

2 Q. Is that cleaning up that you did?

3 A. A lot of it, yeah. It wasn't something

4 that I looked through and decided to throw away.

5 Well, it was a pig sty.

6 Q. Before these things were lost, how were

7 they kept? Were they in a box?

8 A. Pretty informally.

9 Q. If I were looking at them, what would I

10 be seeing? Would I be seeing file folders? Or a

11 box? Or a pile of paper?

12 A. Probably, a pile of paper.

13 Q. Where would this pile of paper have been?

14 A. Usually, on the seat of my truck, or if

15 it was the past season I didn't really keep much

16 to do with the past season. Once we wrapped it

17 up, we wrapped it up.

18 Q. And then you cleaned up and got rid of it

19 all? Is that correct?

20 A. As we went. We didn't keep much. When

21 you moved around, you don't keep a whole lot. You

22 keep what you need to keep, or you think you need

23 to keep.

24 Q. Were any records kept in the bus?

25 A. The bus?

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1 Q. Was there a bus that Devin used?

2 A. We had an RV.

3 So, no.

4 Q. Was that what you lived in?

5 A. Sometimes, yes.

6 Q. But records weren't kept in there?

7 A. No.

8 Q. The list of employees -- bear with me.

9 We're almost through this.

10 The list of employees that you

11 had generated for the H-2B visas, did you have a

12 copy of that for each season?

13 A. No. Once the visas were decided on the

14 issue, it wasn't a relevant piece of paper.

15 Q. And there weren't copies of passports or

16 visas, if you had those?

17 A. No.

18 Q. No, you didn't have them?

19 A. No, I didn't have them.

20 Q. Did you ever have them?

21 A. Most of them, yes.

22 Q. Were these also removed when you were

23 cleaning up?

24 A. I'm sure some of it was. Like I said, we

25 had a lot of garbage that was thrown away. In my

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1 move from Minneapolis back and forth, I moved

2 back and forth three or four times. And I know

3 that in a business there are certain rules to

4 abide by, but in real life, it wasn't top

5 priority. It was not.

6 Q. Payroll records to the degree that you

7 had any record of amounts paid to workers, this

8 would have been on the Cloud-based system?

9 A. Yes.

10 Q. Did you ever print out any of that

11 information?

12 A. I'm sure I did.

13 Q. Would you have printed it out when the

14 DOL came to investigate or to audit?

15 A. Yes.

16 Q. Do you know what happened to those

17 printouts?

18 A. I gave them to the DOL.

19 Q. You didn't keep copies?

20 A. No.

21 Q. Did Star file corporate taxes?

22 A. I don't think I want to answer that

23 question.

24 Q. I'm going to need you to be more

25 specific.